

REMARKS

This responds to the Office Action mailed on May 2, 2007.

Claims 8, 15, and 21 are amended; as a result, claims 8-24 are now pending in this application.

§101 Rejection of the Claims

Claims 15-24 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner indicated that these claims were being rejected because it was believed that they lacked “the necessary physical articles or objects to constitute a machine or manufacturer within the meaning of 35 U.S.C. 101. The Examiner then recited the MPEP with a bolded passage indicating that “a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships . . .”

Although Applicant disagrees with this rejection, Applicant has amended independent claims 15 and 21 to include a claimed “computer-readable” and to indicate the systems are “computer-implemented.” Based on the Examiner’s comments and recitation of the MPEP with bolded emphasis, Applicant believes this completely addresses the Examiner’s concern.

Therefore, the rejections with respect to claims 15-24 should be withdrawn. Applicant respectfully requests an indication of the same.

Claims 16-20 and 22-24 are also rejected for fully incorporating the deficiencies of their respective base claim by dependency. These claims were rejected due their dependencies on the independent claims 15 and 21. This has been corrected as detailed above; thus, these rejections are now a moot point and should be withdrawn.

§102 Rejection of the Claims

Claims 8-12, 15-18 and 21 were rejected under 35 U.S.C. § 102(e) for anticipation by Dettinger et al. (U.S. 7,003,730). It is of course fundamental that in order to sustain an anticipation rejection that each and every limitation in the rejected claims must be taught or suggest in the exact detail and identical arrangement in the cited reference.

Dettinger is directed to a graphical user interface (GUI) for building search queries. *See Abstract of Dettinger.*

It appears to the Applicant that the Examiner has identified the field specifications as being equivalent to Applicant's claimed "control field." Yet, the definition of "field specifications" is provided in Dettinger column 7 last paragraph. Here, it is clear that the field specifications are not used by a search to perform a join or a merge. In fact, Dettinger fails to reference any merging or joining at all in the entire specification. The field specification is also not separate from search criteria it is in fact carried with and apart of the search criteria.

As such, Applicant asserts that Dettinger cannot be said to anticipate the amended claims because it lacks any notion or suggestion of a "control field" and its associated limitations defined in Applicant's amended independent claims.

Accordingly, Applicant respectfully requests that the rejections with respect to Dettinger be withdrawn and the claims or record allowed.

§103 Rejection of the Claims

Claims 13 and 22-24 rejected under 35 U.S.C. § 103(a) as being unpatentable over Dettinger, as applied to claims 8-12, 15-18 and 21 above, in view of DeLorme et al. (U.S. 5,948,040). Claim 13 is dependent from amended independent claim 8 and claims 22-24 are dependent from amended independent claim 21; thus, for the amendments and remarks presented above with respect to independent claims 8 and 21, the rejections of claims 13 and 22-24 should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claims 14 and 19-20 were rejected under 35 USC § 103(a) as being unpatentable over Dettinger, as applied to claims 8-12, 15-18 and 21 above, in view of Chakraburti et al. (U.S. 6,334,131). Claim 14 is dependent from amended independent claim 8 and claims 19-20 are dependent from amended independent claim 15; therefore, for the amendments and remarks presented above with respect to independent claims 8 and 15, the rejections of claims 14 and 19-20 should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 14-0225.

Respectfully submitted,


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Date 08/02/07

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of August 2007.

KIMBERLY BROWN

Name



Signature